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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,873	12/08/2003	Paul McGlynn	00324/US1	1167

24330 7590 12/21/2006  
Martin A. Hay  
13 Queen Victoria Street  
Macclesfield Cheshire UK, SK11 6LP  
UNITED KINGDOM

EXAMINER
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PUTTLITZ, KARL J

ART UNIT	PAPER NUMBER
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1621

MAIL DATE	DELIVERY MODE
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12/21/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

<b><u>Examiner-Initiated Interview Summary</u></b>	Application No. 10/728,873	Applicant(s) MCGLYNN ET AL.	
	Examiner Karl J. Puttlitz	Art Unit 1621	

**All Participants:**

(1) Karl J. Puttlitz.

(2) Martin Hay.

**Status of Application: \_\_\_\_\_**

(3) Robert Barker.

(4) \_\_\_\_\_.

**Date of Interview:** 12 December 2006

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☐ Telephonic  
☐ Video Conference  
☒ Personal (Copy given to: ☐ Applicant ☒ Applicant's representative)

Exhibit Shown or Demonstrated: ☒ Yes ☐ No  
 If Yes, provide a brief description: *metered does inhaler.*

**Part I.**

Rejection(s) discussed:

*Rejections under sections 103 and 112, first paragraph*

Claims discussed:

*all*

Prior art documents discussed:

*Keller et al.*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*See Continuation Sheet*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's representative argued that the hydrochloride salt is unsuitable for delivery using a metered dose inhaler. In this regard, Applicants discovered that the L-tartrate salt unexpectedly provides a solution to administering levalbuterol to the lungs using a metered dose inhaler. Applicant will also consider providing arguments that the crystalline form covered in the claims is enabled in the specification.